

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Kenneth Oneal Hunter,	)	
	)	C/A No. 8:05-2883-MBS-BHH
Plaintiff,	)	
	)	
vs.	)	
	)	<b>OPINION AND</b>
Officer Barr of the Spartanburg County	)	<b>O R D E R</b>
Detention Facility,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff Kenneth Oneal Hunter, appearing pro se, filed this civil rights action while incarcerated at the Spartanburg County Detention Center. In the complaint, Plaintiff seeks damages for “medical malpractice, pain and suffering” from an employee of the detention center who allegedly gave Plaintiff one dose of an undisclosed type of medication that was intended for another detainee.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 DSC, this matter was referred to United States Magistrate Judge Bruce H. Hendricks for a Report and Recommendation (“Report and Recommendation”). The Magistrate Judge filed a Report and Recommendation on October 17, 2005, in which she reviewed the merits of Plaintiff’s complaint and recommended that the court dismiss the complaint without prejudice and without issuance and service of process. Plaintiff filed a handwritten document that contained a series of verbatim excerpts of the Magistrate Judge’s Report and Recommendation on October 17, 2005. Plaintiff did not file a document objecting to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to the court, which has no presumptive weight. Mathews v. Weber, 423 U.S. 261, 270 (1976). The responsibility for making a final

determination remains with this court. Id. The district court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The district court is obligated to conduct a *de novo* review of every portion of the Report and Recommendation to which objections have been filed. Id. However, the court need not conduct a *de novo* review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982).

The court has reviewed the record thoroughly. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, the case is dismissed without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

November 21, 2005

**NOTICE OF RIGHT TO APPEAL**

**Plaintiff is hereby notified that she has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**